Access Management And Land Use Planning | Policy Paper

TranPlan 21 – 2002 Update

State of Montana
Department of Transportation

TRANPLAN 21

Montana Department of Transportation

Access Management and Land Use Planning Policy Paper

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I. Introduction

Background on Current Land Use Planning and Access Management for Transportation in Montana

This document is the *TranPlan 21 2002 Update* to the 1995 Access Management and Land Use Planning Policy paper. This policy paper addresses access management and the broader issue of the linkage between land use and transportation in Montana. For both areas, the paper describes the conclusions from the original 1995 *TranPlan 21*, the issues addressed in the original policy paper, current policies and practices, the major issues raised for this update, and the recommended policy goals and actions that address these issues.

Access management and land use planning were subject to an in-depth treatment in 1995 because Montanans raised many issues about the impact that development was having on the transportation system and concern that MDT's decisions were making it more difficult for local communities to manage growth. In 1995, strong sentiment was expressed in a number of communities that MDT take a more active role incorporating land use in highway planning decisions. Because MDT does not have the authority over land use, the 1995 policy paper concluded that MDT should not adopt a more active role in land use planning. Instead, the paper concluded that MDT has a strong policy interest in ensuring that the development review decisions and the land use planning actions of local jurisdictions preserve the efficient and safe function of Montana's transportation corridors. This policy interest was covered in the 1995 policy paper through actions concerning access management, and coordination with local jurisdictions' planning activities. In addition, actions addressed developer responsibilities to mitigate traffic impacts from major new developments.

The issues addressed in the original policy paper and the conclusions arrived at still hold for the *2002 TranPlan21 Update*. The 2002 update paper is consistent with the findings and direction set in 1995. Today, the imperative for implementing access management and corridor preservation, and for establishing close coordination with Montana's local governments, is greater due to the continued concentration of growth in Montana's most developed counties.

A. Current Land Use Planning Authority in Montana

Before discussing MDT's policy goals and actions related to access management and land use planning, it is important to note that the State of Montana in general, and the Montana Department of Transportation in particular, have no enabling legislative authority relative to decisions over land use. Land use planning authority resides at the local level. Local jurisdictions have the authority to address land use planning through three authorities: 1) a growth policy, 2) sub-division laws, and 3) zoning and permitting regulations. These authorities are described below.

1. Growth Policy

The Local Planning Enabling Act (76-1-101 through 76-1-606, Montana Code Annotated) enables local government to prepare a growth policy and sets out the required procedures. If enacted, the growth policy must cover the entire jurisdiction and address all aspects that affect the community's public facilities, transportation, parks, recreation, economy, and housing. The planning jurisdiction may focus on incorporated urban areas or may include the entire county.

2. Sub-Division Laws

Sub-division laws regulate the process of platting land into lots and providing public facilities (roads, water, sewer, and storm drainage) to the lots. Before granting approval, local governments must assess the anticipated needs of the proposed subdivision for local services including roads and maintenance, and overall public health and safety related to the development.

3. Zoning and Development Permitting

Zoning is a legal tool local governments use to protect public health, safety, and welfare by dividing jurisdictions into use districts (zones), restrict various uses to certain zones, and impose requirements that permitted uses must meet. In Montana, three different statutes authorize local governments to enact zoning regulations; however, zoning is not mandated.

Many planners and local officials in Montana have expressed interest in alternatives to zoning for regulating land use. One alternative, using existing state enabling statutes, involves development permit regulations, which affect the character and quality of new development as opposed to zoning, which only affects the location. Development permit regulations may be adopted under any of the three zoning enabling statutes.

Development permit regulations may be used to implement a jurisdiction's land use plan and mitigates transportation impacts by having different requirements for different areas in a county. For example, there could be more specific requirements to manage growth in incorporated and unincorporated communities, and less restrictive or specific standards in the rest of the county. Growth management has been a topic of interest in recent years and usually means that a growth area is designated by a boundary line, and within that growth area development at higher densities is encouraged by various mechanisms such as providing infrastructure (roads, water, sewer) to support this development. Montana's local governments have the authority to establish goals for local growth.

B. 1995 *TranPlan 21* Response to Land Use Planning Issues

In response to the access management and land use issues evaluated in the planning process, the following overall policy goals and actions were adopted in the 1995 *TranPlan 21* Access Management and Land Use Planning Policy Paper:

- MDT established a policy goal encouraging local jurisdictions to establish land use planning and development permitting mechanisms that would enable local jurisdictions to better manage the land use aspects of transportation/land use coordination.

  Since *TranPlan 21* was adopted in 1995, MDT and the planning officers in many of Montana's cities and counties have developed a close working relationship in reviewing proposed developments within the Systems Impact Action Process (described later in this document) a development's impact on the safety and function of the public roadway system may be mitigated either by conditions included in local platting approvals or through approach permits issued by MDT – depending on the jurisdictional authority over the adjacent roadways. The close working relationship between the MDT and local planning offices enables local governments to better manage both land use and transportation aspects of development. These reviews are limited to site impacts.

  Montana's urban areas, along with other areas that are under development pressures, also receive support from MDT to develop transportation plans. The local government offices manage these plans. Consequently, the urban area transportation plans are consistent with local land use plans. However, many of Montana's local governments are at a disadvantage because they lack resources to support local planning efforts.

  The *TranPlan 21 2002 Update* retains the goal of encouraging local land use planning with the additional specific focus of encouraging local jurisdictions to better support MDT's corridor preservation objectives.

- MDT established a goal of working with local jurisdictions to require developers to mitigate the roadway systems impacts resulting from large developments by contributing to improvements required to accommodate travel demands.

  This goal resulted in MDT establishing a defensible mechanism known as the Systems Impact Action Process. The *TranPlan 21 2002 Update* refines this goal by focusing the State's permitting authority and its working relationship with local government decision makers.

- Potential policy goals and actions that would have increased MDT's direct activity in the area of land use planning were not adopted.

  The *TranPlan 21 2002 Update* did not revisit these decisions because MDT is not the appropriate agency for initiating or coordinating land use-related actions. Regardless of the issue of authority, within the 1995 *TranPlan 21* there was greater concern expressed by the public over MDT's direct involvement in local land use planning. In addition, during the development of projects, especially those that add capacity to the

highway system, local governments normally advise and participate in project planning including design elements that enhance local land use goals.

C. Current Land Use Planning Activities in Montana

1. Status of Land Use Planning in Montana

Land use planning is varied and inconsistent across Montana. During the 1999 legislative session attempts were made to address these inconsistencies through new legislation that requires local jurisdictions to develop growth policies. MCA 76-1-601 states that each planning board shall prepare and propose a growth policy for the entire jurisdictional area. Growth policies are a comprehensive development plan or master plan that must include certain components such as community goals and objectives, projected trends for the life of the growth policy, and an implementation strategy. The policy may also propose ordinances or resolutions for possible adoption by the appropriate governing body.

2. Even with the new requirement to develop growth policies, development and application of these growth policies has been inconsistent. No state agency oversees or regulates the creation of growth policies and there has been some confusion regarding the deadlines for adopting growth policies. Coordination of Transportation and Land Use Planning

The Transportation Efficiency Act for the Twenty-First Century (TEA-21) requires state transportation agencies and metropolitan planning organizations (MPOs) to consider projects and strategies that will: "support economic vitality," "increase accessibility and mobility options," "protect and enhance the environment," "improve quality of life," and "enhance the integration of the transportation system." These parallel considerations are commonly included in land use planning activities. TEA-21 eliminated any specific reference to state-level responsibility regarding land use planning because states rarely have authority to directly make land use decisions. At this time, the Federal Regulations interpreting TEA-21 have not been finalized and the Federal Highway Administration has issued guidance to states to follow the statutory language of TEA-21. Consequently, while land use coordination is not a specific requirement, the underlying goals of most land use plans have to be considered within the parameters of the statewide plan.

Many regions of Montana lack current growth policies that can serve as a reference for the statewide, policy level transportation plan. In practice, consistency between the local land use plans and state transportation system development and management is achieved through the Systems Impact Process (described later in this document) for large site developments. Local officials also assure consistency with their jurisdiction's land use plans through the project nomination process for the Secondary

and Urban Highway Programs, in which they act as the principal project originators. In addition, local elected officials are directly involved through advisory and steering committees in the project development process (especially for capacity expansion projects) including all access management for individual projects.

In Montana's three metropolitan areas (Billings, Great Falls, and Missoula), transportation planning is conducted in accordance with Section 134 of 23 USC, which includes the considerations for strategies and projects described above. As with most metropolitan areas nationally, the counties and cities that comprise Montana's three MPOs are also responsible for local land use planning. In addition to supporting the federally-mandated transportation planning efforts in the metropolitan areas, MDT also supports planning efforts in smaller urban areas including Bozeman, Helena, Kalispell, and Butte that are managed by the local agencies responsible for land use planning. Taken together, these efforts ensure coordination between transportation planning and land use planning in those areas where there is the highest level of interest in, and commitment to, land use planning.

D. Current Access Management Practices in Montana

Access management describes a set of administrative, engineering, and management practices that preserve the safe and efficient operation of Montana's highway system. The practice of access management addresses elements such as access spacing, intersection and traffic signal spacing, denial of access requests, and geometric design standards. These standards should reflect differences between urban and rural areas, as well as difference between the hierarchies of functional classes, allowing greater degree of access on lower volume and speed routes, while restricting access on higher volume and speed routes.

Access management is controlling the design and operation of all approaches and public street connections onto highways. Management or control of vehicular access to the system of state highways and arterial roadways is a practice that has gained increased attention in recent years as a means of preserving and enhancing system performance, improving safety, and addressing concerns such as traffic congestion and the escalating costs of upgrading roads. Several western states, including Colorado and Oregon, have adopted very comprehensive access management programs that go well beyond the traditional right-of-way issues. This movement is consistent with the overall direction of transportation agencies, which now focus as much attention on asset management, corridor preservation, and highway maintenance as on capital construction. Many states are looking to access management as an essential tool for preservation of the functional integrity and hierarchy of the existing highway system.

MDT is not new to access management; the department has been involved with access management initiatives for several years:

- **1992 Access Management Plan**

  The Montana Highway Commission adopted an Access Management Plan developed by MDT staff. That document mainly clarified the process by which an access control

regulation could be modified to allow access at points not granted at the time access rights were originally acquired.

- **Access management in the 1995 *TranPlan 21***

  The original *TranPlan 21* Access Management and Land Use Planning Policy Paper identified the state of access management and land use planning in the state, at that time. Through the policy paper, MDT adopted policy goals and actions aimed at strengthening access management including:

  – The establishment of a classification system for access management.

  – The inventory and refinement of methods to ensure that there is adequate authority to manage access in Montana.

  – The work to communicate the performance benefits arising from an access management policy.

  The 1995 issue identification process, further confirmed by the *TranPlan 21 2002 Update* analysis, found that almost all Montanans believe that the highway system is basically complete, and that the focus of attention should be on maximizing the productivity of the existing infrastructure, and preserving and maintaining current facilities. In addition, it has been noted by MDT staff that enhancement of access management standards, and more rigorous enforcement of those standards, is desirable from the Department's standpoint of maintaining safety and system performance.

- **The 1999 Montana Department of Transportation Access Management Project Final Report**

  The 1999 Access Management Project Report provides a detailed description of access management and its benefits for Montana. The issues identification for that study reiterated the need for access management in Montana.

  The conclusions from the 1999 Access Management Project included:

  – Develop and implement an Access Classification System.

  – Develop and implement access management guidelines.

- **MDT's Systems Impact Action Process**

  The 1995 TranPlan21 established policy direction and a mechanism to hold private developers responsible for funding improvements to the transportation system required by the increased traffic demands generated by their development. The policy provides a mechanism to ensure that improvements are able to keep pace with growth. Paying for the new infrastructure necessary to maintain safe and efficient levels of transportation service in Montana's fast growing areas is one of the most consistent and difficult challenges facing MDT and local jurisdictions. In order to implement TranPlan21's direction, MDT developed the Systems Impact Action Process.

  MDT's Systems Impact Action Process provides a coordinated review of projects initiated outside of MDT that may significantly and permanently impact the

transportation system's safety or functionality. Through this process MDT coordinates with the local agencies that have land use authority. The process provides coordination within MDT and with other state, federal and local review and permitting agencies.

As part of the development approval process, either local jurisdictions and/or MDT have authority to require developers to mitigate transportation system impacts. Mitigations can include the developers paying for the design and construction of traffic signals, turn lanes, and improved roadway geometric designs and surfaces. Direct authority to require these improvements may reside in the local government platting approvals and/or MDT granting of access permits for developments crossing state right-of-way. To ensure a comprehensive traffic impact review, developers are responsible for traffic impact studies for all developments greater than a particular size. These are then comprehensively reviewed for technical accuracy and the appropriateness of the mitigations suggested by the developer.

The goals of this process include:

- Provide a one-stop process for private developers to request access to and from the state highway system.
- Facilitate a timely review of the developer's request by a varied group of MDT technical offices.
- Identify reasonable accommodation of the developer's project needs.
- Preserve the safety and efficiency of Montana's transportation system.
- Protect taxpayer investments by recovering costs from developers for their project's impacts to the transportation system.
- Ensure MDT permitting does not precede an environmental process (NEPA/MEPA).

A large number of projects go through the System Impact Action Process. In the spring of 2002, MDT has 45 projects at various stages of review, including the following:

- Bozeman Home Depot, a commercial development in Bozeman. The developer is paying for traffic signals and geometric improvements.
- Elk Grove Development, a residential development requesting access to US-191. The developer is responsible for paying to install a turn lane and widen the road, including the purchase of right-of-way.
- Bull Mountain Rail Spur, a 27-mile rail spur from the Bull Mountain Mine to the BNSF main line near Broadview. The mine is responsible for constructing grade separated highway crossing at two locations: US-87 and MT-3.

For MDT, the most effective method of addressing transportation issues related to new development is the System Impact Action Process. The process provides a coordinated review that protects the taxpayer's investment in the transportation system while

allowing the development of private property in accordance with local land use planning decisions.

E. Access Management Implementation

The 1999 Access Management Project established a new access classification system for Montana's National Highway System and Primary System. The classification system distinguishes between four major categories of roadway:

- Rural very low volume
- Rural
- Intermediate
- Developed access

The classification system provides a framework for managing access onto the roadway. For each of the categories, the Access Management Project developed access guidelines that recommend:

- Minimum unsignalized access spacing.
- Where non-direct access will be sought. (This includes instances where direct access would be denied when other access is available.)
- Median opening spacing.
- Signal spacing and bandwidth.

The overall approach for implementing these guidelines involves consistent application of the access management classification system. The guidelines provide a clear set of access-related objectives for Montana's roadways that MDT can plan for and design consistently.

1. Implementing Mechanisms

The basis for implementing the access classification system has applied the following mechanisms:

- MDT review, refinement, and adoption of the access guidelines as the statewide access "plan" or objectives for the National Highway and Primary Systems.
- Completion of access control projects using the access control resolution process.
- Update and amendment of the 1983 Driveway Approach Standards to establish the guidelines as standards that apply to issuing driveway approach permits.
- Application of the access guidelines governing driveway spacing and other design criteria in projects that are subject to access control resolutions.
- Improvement in communication and coordination with the appropriate land use planning authorities.
- Ensuring MDT employees in headquarters and the Districts are trained in and consistently apply the access guidelines.

2. Implementing Authority

The access classification system would be implemented using MDT's existing authority. This is consistent with how MDT has applied standards in the past. Through its general police powers and responsibilities to protect the public health, safety, and welfare on state highways, MDT and the Transportation Commission may implement appropriate engineering standards and procedures to manage, by regulation, access on highways. MDT's current approach to regulating driveway access is specified in the Administrative Rules of Montana (Chapter 5, Preconstruction Bureau, Sub-Chapter 1, Highway Approaches).

F. Access Management Strategies and Mechanisms

The specific methods and criteria for determining how much access to provide, and how to physically provide or limit access, are the elements of an access management strategy. Successful access management strategies include:

- A classification system, defining the "access class" for each facility in the state system.
- Guidelines for determining the level of controls that are appropriate for a given area and facility type.
- Criteria which define the preferred characteristics within an access class; examples include criteria for minimum intersection and driveway spacing, installation of barrier medians, location of median breaks, turn prohibitions at intersections and driveways, use of frontage roads, traffic signal spacing, etc.
- Procedures for handling requested variances.

Additional components might include a permit or fee system, guidelines for "grandfathering" existing access, and administrative responsibilities. Other than the traffic engineering tools noted above, other techniques that a state may use to effect access management include the following:

- **Statutory Access Control.** The Montana Transportation Commission may designate a roadway as a "Controlled Access Highway and Facility" in order to facilitate the flow of traffic, preserve the public peace, support health and safety, promote general welfare and efficient travel, and to otherwise facilitate implementation of the purposes and intents set forth in Montana Code Annotated 60-1-101 and 60-1-102. Access rights may be controlled and/or limited by the State either through exercising its police power, or, if it is determined that the police power does not apply to an individual parcel, through eminent domain.
- **Acquisition of Access Rights.** The State has the power to purchase access rights or restrictions. These may be used to control the location and number of access points to a given parcel, as well as to limit changes in the use of an access point if that change would generate additional demand on the arterial roadway.
- **Subdivision Regulations.** The State has no authority to review subdivision plans, which are reviewed at the local level. This strategy allows local government to ensure,

for example, that the development has adequate internal circulation, setbacks, and no direct access onto highways from individual lots.

- **Driveway Permit System.** The State (as well as lower levels of government) has the authority to require a permit for construction of a private driveway onto a public road. This authority may be used to prevent further access from the same parcel (restrictive covenant).
- **Official Mapping.** By officially mapping a future transportation corridor or improvement, the State and most levels of government have the authority to retain full access control over the planned facility. Limitations may apply to Montana's ability to officially map a state highway improvement until alignment studies and environmental analysis has been completed.
- **Corridor Planning.** Multi-jurisdictional planning efforts, authorized by state and federal statutes, may be used to develop corridor plans. The plans could include specifics as to how corridor preservation and access management will be achieved, and the type and scale of development that will be encouraged through specific access locations, frontage roads, and other physical techniques. MDT's corridor preservation report, "The Preservation of Right-of-Way for Transportation Corridors," provides a good starting point for this type of approach in Montana.
- **Land Use Planning and Zoning.** This is predominantly the domain of local government. However, MDT controls access to state facilities, and thus exerts some influence. The State, through a technical and policy support role, can impact the development of land use plans and zoning ordinances to favor access management. The potential value of a supportive role, rather than a regulatory one, should not be dismissed. The most damage can be done, or the most benefit can be had, during early stages of development before a locality has the expertise or resources to define access management strategies. By providing model ordinances, site design and access guidelines, or even review of applications, the State could affect important development decisions in critical "formative" years of a corridor's urbanization.

Many of the potential strategies noted above for access management may also be applied to corridor preservation efforts:

- **Land Purchase.** Many techniques are available to help ensure that land is available for additional right-of-way when and if needed. These include outright purchase, purchase of easements, and land-banking. Disadvantages include the difficulty of predicting with accuracy the final alignment of a transportation project, and the inefficiency/unpopularity of committing scarce funds for projects with such a long-term payback.
- **Official Mapping.** As noted above, official mapping of future transportation corridors may be necessary to effectively prevent development from taking place within the corridor. To avoid acquisition battles, and other property rights challenges, some care must be exercised in the timing and duration of such techniques.
- **Setback Standards.** These must be used with care to reserve land for future expansion of existing facilities, including frontage roads. Setback standards that promote public safety

and welfare (for example, safety buffers of sight clearance) do not require compensation of landowners. Conversely, setbacks for the sole purpose of reserving land for future roadway widening will generally result in a "taking" action requiring compensation.

- **Dedications.** Dedications are typically requested at the state level only when a development has access onto a state facility. Local government may use this technique liberally in exacting land for necessary improvements. However, a recent ruling of the U.S. Supreme Court places more stringent burden of proof upon government in establishing proportionality and nexus between the impact and the dedication.

The 1999 Access Management Project provided a comprehensive set of recommendations and an implementation plan for improving the productivity of the current highway system and improving safety through strengthened access management. The recommendations specified the following key elements:

- A classification of roadways to target effort where it is most needed.
- New approach standards with minimum driveway separation.
- Strengthened procedures for the consistent application of approach standards when permits are issued.
- Guidance for undertaking access control projects to purchase access rights and preserve critical corridors.

The Montana Transportation Commission endorsed these recommendations; however, MDT has not implemented them due to a lack of resources.

II. Access Management and Land Use Planning Issues

Access management and land use planning issues were identified through open house forums, mail-in and telephone surveys with the public, and through discussions with MDT staff. It is important to note that the State, and hence MDT, has no authority over land use planning and MDT's actions must therefore be limited primarily to access management and the close coordination with local governments responsible for land use decisions.

A. Issues Raised by the Public

Despite the limited experience with land use planning in Montana, there is growing interest at the local level, especially in the faster growing communities, in using land use planning to manage growth, preserve the quality-of-life, and protect the environment. This interest is also reflected in a range of general transportation-related issues identified for the statewide plan.

The public and stakeholder involvement conducted as part of the *TranPlan 21* update found that many of the 1995 issues remain important. These issues included:

- Concern about the increasing demands placed upon the highway system because of new development patterns.
- Recognition that current development patterns, access management practices, and sometimes weak land use planning reduces the effectiveness of the transportation system.
- Resistance, on the part of some, to address increased transportation demands through increased highway capacity.
- Desire to see transportation system management, demand management, and other modal options pursued to meet increased transportation demand. This concern is often linked with a reluctance to increase highway capacity.
- Recognition that land use decisions affect transportation system performance.

In addition to the above, public involvement and stakeholder meetings conducted for the *TranPlan 21 2002 Update* identified the following related issues:

- Strong interest in MDT being more proactive in corridor preservation by purchasing or protecting right-of-way in advance of construction projects in key corridors.
- Concern over the increasing costs of right-of-way in many corridors.
- Recognition that local jurisdictions and MDT need to coordinate planning.
- Concern over the function and design of highways through urban and developing areas, including amenities related to local land use goals, which are considered generally under the heading of "context sensitive design."

In several communities, issues were raised about the function and design of major state highways as they approach and pass through communities. In some communities these issues are characterized as "context sensitive design." The issue raised is that MDT needs to work with and involve local communities to an even greater extent in design decisions that are made for state highways that pass through these communities. The issue is a planning issue because MDT needs to find a way to move traffic through and into growing communities on the state's major highway corridors. The land use planning, development approval, and street planning decisions that local communities make determine how effective MDT can be and the options open to MDT in meeting these demands. Context sensitive design issues arise when there are competing and different goals and objectives for particular highways and transportation corridors. Because of their importance, these issues are addressed in the Roadway System Performance Policy Paper.

B. Issues Raised by MDT Staff

Interviews with MDT staff identified several issues arising from the current conditions and practices of access management and land use planning in Montana.

1. Access Management Issues

- **Incomplete implementation of prior access management processes and actions.**

  Despite the 1999 Access Management Project final report, access management in Montana is not implemented to the same degree as it is in several states with more aggressive, proactive programs.

- **Lack of consistent rigorous application of access management policies.**

  On the Interstate Highway System, complete control of access is federally regulated and achieved through strict geometric design standards. Not only the design of interchanges, but also the spacing between interchanges is specified for urban and rural conditions. On state arterial highways, however, it does not appear that the Department's policies are uniformly or rigorously applied throughout the state.

- **Lack of consistency in application of access management standards.**

  There is a lack of consistent statewide application of uniform access management standards. Further, Department staff report that it has been difficult to enforce access controls unless there is a clear safety problem directly addressed by the proposed control. Denial of access, or conditioning of access, is difficult if the principal benefits are preservation of capacity and system functionality or performance.

- **Limited tools for preserving corridors in current access management approach.**

  The 1999 Access Management Project final report provides detailed direction to MDT for strengthening access management practices. The Montana Transportation Commission and MDT management has approved implementation of these recommendations; however, there has been only limited progress implementing them due to a lack of resources. The recommendations are to improve safety and the productivity of the current highway system. Current practices do not provide specific criteria or a system classification specifically for access management.

- **Need to involve other jurisdictions in addressing corridor preservation and access management.**

  As recommended in the 1999 Access Management Project, it is crucial to involve metropolitan planning organizations, counties, cities, and other jurisdictions in any comprehensive attempt to manage access to the system of principal and minor arterials, as these jurisdictions make the land decisions that give rise to the problem.

  It is important to balance land use objectives of communities with the State's mission of preserving the integrity and safety of the highway system. However, because of the importance of highways to Montana's communities and businesses, MDT should strive for a reasonable balance, as opposed to simply preserving flow on the roadways.

- **Importance of demonstrating the benefits of access management.**

  The 1999 Access Management Project and national research shows that successful access management will enable Montana to increase the use of existing infrastructure without adding capacity. This is an attractive proposition and the benefits of access management need to be communicated to local jurisdictions and the business community.

- **Increased importance of corridor preservation.**

  Montana's growth and development patterns will continue to result in the greatest concentration of growth in the valleys and highway corridors that provide mobility into and through Montana's high-growth areas. These development patterns increase the importance of preserving these corridors through such techniques as right-of-way acquisition, local ordinances requiring set backs, and access management. Without these techniques, it will become increasingly costly and extremely disruptive to accommodate growth.

  Once an area has begun to develop, it becomes increasingly difficult to remedy the problems associated with unmanaged access. It is easier to prevent problems through proactive, judicious allocation and management of access to the highway system through the planning process in coordination with local governments responsible for land use decisions.

2. Land Use Planning Issues

- **Growth management and land use planning issues.**

  Parts of western Montana continue to experience rapid growth. This growth is geographically concentrated in a small number of counties. Growth rates are most pronounced in Gallatin, Flathead, and Missoula counties. The population forecasting conducted as part of the statewide planning process indicates that Montana can expect to see a continuation of these trends, although the rate of growth will be less than in the 1980's and early 1990's.

  This population growth has been partially accommodated by residential development in the form of new subdivisions or the permitting of new development on larger parcels of land. New development has resulted in highly visible changes in land use, especially in rural areas. This has generated citizen interest in land use planning and concern about some of the negative impacts of growth.

  In general, the growth outside of the urban areas is most visible and gives rise to the greatest concern, because this growth results in the most visible changes in land use. There is concern that parts of Montana are now experiencing a cycle of development and associated land use change similar to that in many other areas of the West. This cycle involves new residential development adjacent to established urban areas, which then creates the market for development to accommodate retail and other services.

  It is not the responsibility of the Montana Department of Transportation to control or manage local growth and land use development. , The authority to establish development goals lies at the local level. However, the consequences of local land use decisions often affect the demand for transportation. For example, few of Montana's new semi-rural subdivisions are linked to other neighborhoods through a platted grid roadway system. Rather, they are cul-de-sac developments with entry to their internal road networks via one or two points of access onto a collector or arterial roadway. By necessity, all traffic to or from the development will be along the adjacent arterial or collector highways where intensive points of traffic conflict and speed differentials may be created – thus creating safety and operational issues. MDT therefore is interested in local jurisdictions managing the development review process and performing land use planning that helps preserve transportation corridors and avoids these safety and capacity problems.

  Growth boundaries are often suggested as solutions to local growth concerns. However, in some urban areas of the country that have established growth boundaries, development has leapfrogged beyond the boundary and resulted in longer commuting distances and more developmental pressures on communities down-stream from the boundary.

- **Lack of corridor planning or management continues to affect transportation system performance.**

  Cities and counties often allow land development to occur in close proximity to existing corridors or within the probable right-of-way of future transportation corridors. This pattern of development makes it significantly more costly to provide transportation services because of the costs for right of way. These development patterns are creating additional access demands and foreclosing future options for roadway improvements. The potential use of Federal-Aid Highway funds to preserve corridors is dependent on advance acquisition of right-of-way with state funds. Limited state resources create problems in long-term preservation of corridors using advance acquisition. Local planning actions, such as set-back ordinances or zoning to limit development within probable future highway corridors, are difficult to consistently apply.

- **Land use patterns affect the attractiveness of different transportation modes.**

  Montana's existing and future land use patterns affect transportation demand and influence the relative attractiveness of different modes. Travel demands that result from low-density residential development and subdivision development in outlying areas tend to be most readily met by the automobile. Montana is one of the most sparsely populated states in the country, with a population density of approximately six persons per square mile, but there has been significant progress addressing these transportation needs in some corridors with transportation demand management (TDM) and the expansion of van pools and bus service along commonly used commuter corridors. For example, the Missoula-Ravalli Transportation Management Association (MR-TMA) provides vanpool service between Hamilton and Missoula.

  Montana's trends in land use are not likely to decrease the rates of single occupancy vehicle trips and vehicle miles traveled. For example, in 1990 just under eight percent of the population in Montana walked to work. There is little evidence to indicate that new development will increase or maintain this rate.

  Should Montana's communities wish to encourage the use of non-single occupancy vehicles and other modes, the effectiveness of many strategies may be enhanced through land use planning. Nationally, some states and local jurisdictions are attempting to affect the demand for transportation and improve the attractiveness of non-single occupancy vehicles as part of their land use planning. This is usually achieved through zoning policy, which aims to concentrate commercial development in certain locations and restrict the sprawl of low-density residential development. Zoning authority is usually vested in local units of government.

- **Complexity of relationships between transportation and land use and development.**

  Travel or transportation demand is altered by land use. Travel occurs where land uses are separated by distance. The amount and purpose of the travel are related

to the use of the land. Different types of land use generate different traffic rates; for example, conversion of agricultural land to residential or commercial development increases the demand for transportation. Commercial activities generate more trips than residential activities. The cumulative effects of land use change affect the level of service of the existing transportation system.

Transportation investment decisions made to maintain existing levels of service that address these travel demands can in turn have impacts on land use. Addition of capacity, or the construction of a bypass, increases the "highest and best use" of land that was previously less accessible. In slower growing areas, this usually results in the relocation of business from one part of the community to another over a number of years. This increases the market demand for highway-oriented development. When access to outlying areas is improved, development pressure in the surrounding area is increased subject to the local land use regulations. Where there is economic growth, there is a direct relationship between improved highway access and development pressure.

This type of development places significant impacts on the transportation system. The best locations for new residential, and especially commercial development, are those with access to the arterial system. Without access management policies, these market trends can severely reduce the function of the arterial system.

- **Limited capacity at the local level to undertake land use planning.**

  A fundamental transportation issue relating to land use in Montana is that there is little land use planning in place outside the urban areas and rapid growth areas with which to coordinate transportation planning. This lack of land use planning adversely affects the ability of state and local transportation systems to anticipate and plan for new travel demands. Local units of government, cities, and counties have the authority to undertake zoning and regulate development. However, these jurisdictions have limited resources and technical knowledge with which to undertake land use planning. MDT does, however, frequently provide funding in support of transportation planning activities for small urban areas.

  The state's interest in preserving the safety and functional capacity of corridors is achieved most practically through access management planning which necessarily includes the involvement of local governments.

III. Policy Goals and Actions

This section outlines updated policy goals and actions for access management and coordinating land use planning and transportation.

A. Access Management

Access management is considered an important component of the overall transportation management effort, in support of MDT's and the *TranPlan 21 2002 Update* overall system management and preservation objectives. Considerable net benefits will derive from the implementation of MDT's improved approach to access management as detailed in the 1999 Access Management Project final report.

POLICY GOAL A: Improve corridor level access management to preserve the highway system.

The primary purpose of this policy is to maintain the functional integrity and safety of the highway system through access management and corridor preservation. The tools available for access management are the acquisition of access rights, the consistent application of approach standards, the establishment of limited access facilities, the issuance of approach permits, and coordination with local jurisdictions.

Action A.1. Establish an MDT Access Management Manual.

This action will document in one place MDT's policy, administrative, and technical approach guidelines for access management. The manual will be comprehensive, incorporating results from the 1999 Access Management Project, updating the 1992 Access Management Plan, and including design elements and guidelines, and policies and procedures.

Action A.2. Develop and implement approach standards as identified in the 1999 Access Management Project final report.

As a complement to the access classification scheme, MDT will continue to develop and implement new approach standards governing the issuance of approach permits. These standards will require technical and management approval for their implementation. The action will involve modernizing the 1983 Approach Standards for Montana Highways. These standards are established through MDT's administrative rule making process to which their update must conform.

Action A.3. Establish an Access Management Plan that identifies and helps preserve priority corridors.

The intent of this action is to establish a consistent approach to access management in MDT's corridors that are now experiencing, or that are forecast to experience, the greatest degradation of level of service. The action will ensure that improvement projects consider access management and that access is managed consistently on these corridors. This action will also result in stand-alone access management plans on corridors under pressure from growth and land use change. The action will be coordinated with Actions B.3 and B.5 in the Roadway System Performance policy paper and Actions B.2 and B.3 in this paper.

Action A.4. Communicate the performance benefits arising from an access management policy.

This action addresses the need to ensure that local jurisdictions, through their development approval and permitting authority, and the general public understand the safety, mobility, and financial benefits that Montana will realize through successful access management. Developers, merchants, and others in the business community, on a case-by-case basis, need to be shown how access management is good for business and economic development.

B. Land Use Planning and Transportation

Local land use planning decisions clearly impact the safety and functionality of the transportation system. MDT coordinates site impact reviews with local governments through the Systems Impact Action Process. In addition, local governments are stakeholders in the development of *TranPlan 21* and are commonly involved especially through advisory committees, in environmental documents related to the addition of highway capacity. Local governments are also commonly involved in the design of state highways that lead to and travel through their communities. These project-specific discussions often result in the addition of design elements such as bike and pedestrian facilities, landscaping, and other community beautification. While the amount of interaction with local governments regarding the linkage between land use and transportation has increased in recent years, improvements and refinements would be beneficial.

POLICY GOAL A: Provide technical support and leadership to encourage local jurisdictions to support transportation corridor preservation and management through their land use planning and development permitting authority.

This policy goal recognizes the unique role MDT can play in providing leadership in the preservation of transportation corridors and the importance of local government decision-making in the development of the Secondary and Urban Highway Systems. The aim is to ensure local governments have the technical support necessary and state encouragement to undertake transportation corridor preservation, system management, and demand

management, with the goal of reducing overall infrastructure costs. For example, if local jurisdictions enact setback ordinances, this can reduce greatly the future costs of transportation projects, such as right-of-way acquisition costs.

Action A.1. Work with local jurisdictions to create a "tool kit" of actions they can take to support corridor preservation through their development review and land use planning authority.

This action involves MDT establishing a working group involving local jurisdictions to identify and develop specific tools that can be used by Montana jurisdictions to support corridor preservation and management. These would be tools that local jurisdictions can consider for implementation. Part of the action would involve making the "business case" for the use of these tools.

Action A.2. Work with local jurisdictions in the early identification of urban and rural corridors under development pressure.

The intent of this action is to ensure close coordination with Montana's local governments to protect the safety and capacity of corridors likely to be under pressure from future development. Identified corridors would be potential candidates for stand-alone access management plans or other actions consistent with underlying local land use goals and plans. This action will be coordinated with Actions in the Roadway System Performance policy paper and Action A.3 of the Access Management Policy Goal.

Action A.3. Continue to support local government transportation planning activities and ensure new urban areas have transportation plans to guide system development.

The intent of this action is to ensure adequate support for transportation planning activities within Montana's urban areas and those non-urban areas under pressure from population growth and land use changes. The action includes data collection and dissemination, development of traffic models, financial and administrative support for local transportation plans, and support for the existing multi-agency planning processes. This action does not suggest the use of highway trust funds for general land use planning activities. However, MDT will continue to insure that local officials responsible for land use planning take the lead in developing local transportation plans.

Action A.4. Maintain MDT's capability to provide land use driven travel demand forecasting for MPOs.

This action involves MDT keeping abreast of the state-of the practice. MDT has upgraded travel demand forecasting capability and now uses TransCAD to support the coordination between land use and transportation planning. MDT will continue to work with local governments responsible for land use planning and provide technical support to their transportation planning.

POLICY GOAL B: Consistently apply MDT's Systems Impact Action Process to ensure developers equitably mitigate their impacts to the highway system.

Action B.1. Provide technical support to local governments in developing funding partnerships to accelerate project development.

Because of funding constraints and the short planning horizon for most developers, it is often challenging to ensure that those urban corridors identified by local governments for economic development activities have the infrastructure in place before new businesses open. This action entails updating the Transportation Commission Guidelines on Partnering and Cost Participation for Project Acceleration, developing cost participation agreements with local governments and private developers as opportunities arise, and providing technical support for corridor plans. Examples of corridors developed through corridor planning and funding partnerships include North Reserve Street in Missoula and North 19th Avenue in Bozeman. In both cases, cost participation by the businesses locating along the corridor was assured and the infrastructure was in place before travel demand increased.

Action B.2. Explore and develop tools to equitably distribute improvement costs on developing corridors regardless of sequencing of the developments.

This action recognizes that as developers enter an area, the existing system can often safely accommodate early developments. As system impacts accrue, later developers will likely have to mitigate their impacts. While much of this can be overcome with corridor plans, such plans are not always possible. Because an equitable distribution of responsibility is essential, this action commits MDT to exploring and advancing defensible approaches to the distribution of cost responsibility.

Action B.3. Provide training and support on application of access management and Systems Impact Action Process to local governments and MDT staff.

The intent of this action is to increase the consistency in the application of the System Impact Action Process and to encourage local governments to coordinate development reviews early in their platting process. This action will entail developing training materials, scheduling work and information sharing sessions, and coordination as necessary with the Montana Association of Counties and the League of Cities and Towns.

IV. References

Approach Standards for Montana Highways, 1983 document prepared by MDT and adopted by the Transportation Commission.

1992 Access Management Plan, prepared by the MDT Right-of-Way Bureau.

Land Use Planning and Regulation for Local Governments, 1994. Montana Department of Commerce, Community Technical Assistance Program.

Scenic Byways Feasibility Study, 1994, Montana Department of Transportation.

Access Management Project Final Report, 1999, prepared by Dye Management Group, Inc. for the Montana Department of Transportation.

Status and Disposition of Original *TranPlan 21* Policy Goals and Actions

1995 *TranPlan 21* Policy Goals and Actions Access Management and Land Use Planning Policy Paper	**Status**	**Disposition in *TranPlan 21 2002 Update***
Access Management POLICY GOAL A: Improve corridor level access management to preserve the highway system.	Retained.	
Action A.1. Establish a classification scheme for access management that defines the appropriate level of access and access control for different classes of state roadway according to functional classification, existing level of access, and surrounding land use.	Not implemented.	Retained and increased in importance as A.1.
Action A.2. Inventory, refine the methods, and ensure that there is adequate authority to manage access in Montana.	Completed.	New action to implement results of 1995 Action A.2.
Action A.3. Work to communicate the performance benefits arising from an access management policy.	Retained.	
Access Management POLICY GOAL B: Establish and fund a level of travel demand forecasting that will support an access management program.	Not retained.	Not needed for MDT's access management program.
Action B.1. Use the state travel Highway Information System, the *TranPlan 21* travel forecasting method, and the Congestion Management System to anticipate areas and facilities in need of access management actions.	Not retained.	Not needed for MDT's access management program.

1995 *TranPlan 21* Policy Goals and Actions Access Management and Land Use Planning Policy Paper	**Status**	**Disposition in *TranPlan 21 2002 Update***
Action B.2. Encourage improvement of the condition of travel demand forecasting at the metropolitan planning organization level to better anticipate and identify problem areas, and to link access management policies to local land use policies.	Not retained.	Not needed for MDT's access management program.
Land Use Planning and Transportation Policy Goal A: Encourage responsible jurisdictions to establish land use planning and development permitting mechanisms to manage transportation demand by building their planning capacity.	Revised to better support MDT's corridor preservation objectives.	
Action A.1. Work with local jurisdictions to establish and implement a consistent approach for including land use and access management strategies in urban area and metropolitan planning organization plans receiving state funding.	Revised.	Revised as Action A.1 to develop the specific tools that can result in improved corridor preservation.
Action A.2. Work with the metropolitan planning organizations and urban areas to develop consistent land use driven travel demand forecasting capability.	Not completed.	Not retained, no longer needed to support policy goal.
Action A.3. Participate in a working group of the Department of Commerce and representatives of affected jurisdictions to develop and propose legislative recommendations for the 55th Legislature.	Completed.	
Action A.4. Consistently apply existing development review authority to ensure that new development contributes to the cost of resulting transportation system improvements.	Retained and updated.	Retained and updated as Action A.2.

1995 *TranPlan 21* Policy Goals and Actions Access Management and Land Use Planning Policy Paper	**Status**	**Disposition in *TranPlan 21 2002 Update***
Action A.5. Encourage the Department of Administration, the Long Range Building Committee, and State agencies to consider transportation demands when locating new capital facilities and leasing new property.	Completed.	
Land Use Planning and Transportation Policy Goal B: As part of the development review process, provide authority to enable local jurisdictions and MDT to require developer contributions to improvements that accommodate new traffic demands.		
Action B.1. Establish a defensible mechanism for determining the costs of transportation improvements to be paid by the developer.	Completed.	